

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. William L. Whaley Jr.

Docket No. 4:13-CR-13-1D

Petition for Action on Supervised Release

COMES NOW C. Lee Meeks, Jr., U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of William L. Whaley Jr., who, upon an earlier plea of guilty to False Statements in Connection With a Commodity Credit Corporation Loan, in violation of 15 U.S.C. § 714m, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on October 31, 2013, to the custody of the Bureau of Prisons for a term of 12 months and 1 day. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

William L. Whaley Jr. was released from custody on October 24, 2014, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: Since the commencement of supervised release, Whaley has reported has directed, tested negative for controlled substances, maintained steady employment, and a stable residence. On August 12, 2016, the defendant was convicted of Driving While License Revoked, Operate Vehicle With No Insurance, Careless and Reckless, Hit/Run Fail Stop Property Damage, and Open Container of Alcohol in Jones County, North Carolina. Whaley was sentenced to a 12 month term of supervised probation, \$200 fine, and \$210 court costs. Contact with state probation indicated Whaley attended a substance abuse assessment and completed treatment while under their supervision. Additionally, Whaley's term of probation has been discharged. According to the North Carolina State Highway Patrol, Whaley was operating a motor vehicle that hit the corner of a unattended vehicle parked on the side of the road near Whaley's home. Whaley initially left the scene, then returned and admitted to the charges detailed above.

On July 29, 2017, North Carolina Alcohol Law Enforcement Agent Daniel Spell met with Whaley at his residence to investigate information he received that Whaley was manufacturing non-tax paid alcoholic beverages. After interviewing the defendant, Whaley admitted to manufacturing alcoholic beverages and consented to a search of his residence. The agent located a five-gallon electric spirituous liquor distillery, a 55 gallon mash barrel, a hydrometer, and 41 quart jars. Whaley was charged with misdemeanor Possess/Sell Non Tax Paid Alcoholic Beverage and Possess Equipment and Ingredients to Manufacture Alcohol in Jones County. The charges remain pending. When confronted with the violation, Whaley admitted to the criminal conduct. The defendant reported he did not sell the alcohol and was doing it as a hobby.

It is noted Whaley's term of supervised release is due to expire October 23, 2017. In consideration of the above information, the probation officer respectfully recommends the conditions of supervised release be modified to include a 30-day term of home confinement, with electronic monitoring, as a sanction for the violations. It is also recommended the defendant pay for the monitoring fees.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

Robert L. Thornton
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.

C. Lee Meeks, Jr.
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-346-5105
Executed On: September 13, 2017

ORDER OF THE COURT

Considered and ordered this 20 day of September, 2017, and ordered filed and made a part of the records in the above case.

J. Dever
James C. Dever III
Chief U.S. District Judge